

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CARLOS KING, et al.,

Plaintiffs,

v.

Case No. 19-CV-0338

STEVEN LANDREMAN, et al.,

Defendants.

**DEFENDANTS' MOTION TO DISMISS COMPLAINT OR,
IN THE ALTERNATIVE, TO STAY PROCEEDINGS PENDING A
DECISION BY THE UNITED STATES SUPREME COURT IN
*MATHENA V. MALVO, NO. 18-217***

Defendants Steven Landremen, Danielle LaCost, Douglas Drankiewicz, Kevin Carr, and Mark Heise, by their attorneys, Karla Z. Keckhaver and Lisa E. Kumfer, Assistant Attorneys General, move the Court for an order as follows:

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendants move the Court for an order dismissing the complaint. As the basis for this motion, Defendants incorporate by reference their Brief in Support of Motion to Dismiss. Briefly stated, the complaint should be dismissed for failure to state a constitutional claim and because the claims are barred by *Heck v. Humphrey*, 512 U.S. 477

(1994). In the alternative, this Court should stay this case pending a decision by the United States Supreme Court in *Mathena v. Malvo*, Case No. 18-217.

Dated this 9th day of August, 2019.

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by:

s/ Karla Z. Keckhaver
KARLA Z. KECKHAVER
Assistant Attorney General
State Bar #1028242

LISA E. KUMFER
Assistant Attorney General
State Bar #1099788

Attorneys for Defendants

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 264-6365 (KZK)
(608) 267-2796 (LEK)
(608) 267-2223 (Fax)
keckhaverkz@doj.state.wi.us
kumferle@doj.state.wi.us